

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7431

BILL NUMBER: HB 1571

NOTE PREPARED: Jan 15, 2007

BILL AMENDED:

SUBJECT: St. Joseph County Courts.

FIRST AUTHOR: Rep. Fry

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It requires the election of superior court judges in St. Joseph County.
- B. It repeals provisions related to the St. Joseph County Judicial Nominating Commission.
- C. It continues the terms of the St. Joseph Superior Court judges in office on June 30, 2007, until the date the judges' terms will end under the law in effect on June 30, 2007.
- D. It makes the judge of the St. Joseph Circuit Court the chief judge of the St. Joseph Superior Court.
- E. It transfers juvenile jurisdiction in St. Joseph County from the probate court to the circuit court.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Election of Superior Court Judges-* The election of judges in St. Joseph County would not have an impact on local expenditures. Under current law, judges in St. Joseph County are placed on the general election ballot every six years for a vote of retention. Given that the bill would require the judges to be directly elected by a general election ballot every six years, the general election ballot may need to be reorganized to accommodate the direct election of the judges.

Judicial Nominating Commission- Under the bill, the St. Joseph Judicial Nominating Commission would be repealed. Under current law, members of the judicial nominating commission are compensated for actual expenses incurred in performing their duties but are not paid a salary.

Change of Juvenile Jurisdiction –This provision would rearrange the workload of the circuit and probate courts in St. Joseph County. Some one-time costs would likely occur if the filings and juvenile magistrates were reassigned from the probate to the circuit court. Under current law, the judge of the probate court in St. Joseph County has exclusive jurisdiction over all juvenile cases. In CY 2005, the following juvenile cases were reported in the *Indiana Judicial Report*.

Juvenile Cases Reported in St. Joseph County in 2005						
Children in Need of Services	Delinquency	Status	Paternity	Miscellaneous	Termination of Parental Rights	Total
412	1,608	219	954	6	135	3,334

During CY 2005, the *Indiana Judicial Report* showed the following statistics on the filing patterns of the St. Joseph Circuit and Probate Courts.

	Number of Judges	Number of Magistrates	Total Filings	Utilization Rate*
St. Joseph Circuit Court	1	2	3,892	0.96
St. Joseph Probate Court	1	2	4,186	1.37
* Utilization rate measures the workload of the courts. A higher utilization rate corresponds to a higher workload of that particular court. As a benchmark, the average statewide utilization rate for all courts was 1.24 in 2005.				

As proposed, all juvenile cases would be transferred from the probate court to the circuit court and the circuit court would appoint the two juvenile magistrates currently serving in the probate court. Using the weighted caseload methodology, the following table shows what the new utilization rates would be for both courts without any further distribution of cases.

	Number of Judges	Number of Magistrates	Total Filings	Utilization Rate*
St. Joseph Circuit Court	1	4	7,226	1.22
St. Joseph Probate Court	1	0	852	.88
* Utilization rate measures the workload of the courts. The higher the utilization rate corresponds to a higher workload of that particular court. As a benchmark, the average statewide utilization rate for all courts was 1.24 in 2005.				

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: St. Joseph County.

Information Sources: *Indiana Judicial Report - 2005.*

Fiscal Analyst: Mark Goodpaster, 317-232-9852.